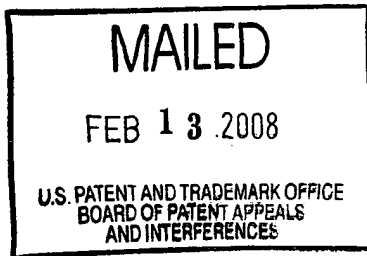


UNITED STATES PATENT AND TRADEMARK OFFICE



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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte MAGNUS N. NILSSON,  
LARS OHLSSON, MAGDALENA CHRISTIANSSON,  
KRISTER HANSSON and JAN ERICSSON

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Application 09/964,838

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on February 8, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

An examination of the Image File Wrapper (IFW) reveals that a Reply Brief was filed on November 20, 2007, in response to the Examiner's

Answer mailed September 20, 2007. However, there is no indication in the record regarding whether or not the examiner has considered the Reply

Brief. Section 41.43 of the Code of Federal Regulations (2007) states:

(a)(1) After receipt of a reply brief in compliance with § 41.41, the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issues raised in the reply brief.

In addition, the statement of the § 103(a) rejections located on pages 3-13 of the September 20, 2007 Examiner's Answer under the heading "Grounds of Rejection" appears to include claims which were cancelled pursuant to the Amendment filed November 14, 2006. Correction is required.

Accordingly, it is

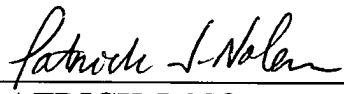
ORDERED that the application is returned to the Examiner:

1) for written notification to appellants regarding consideration of the Reply Brief filed November 20, 2007;

2) for submission of a PTOL-90 which clarifies the "Grounds of Rejection" by removing any reference to previously cancelled claims; and

3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
PATRICK J. NOLAN  
Deputy Chief Appeals Administrator  
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PJN:psb

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